

ORIGINIAL

Def  
CMY

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----x  
UNITED STATES OF AMERICA

-v-

Ernesto Morales ,  
Defendant.

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JUDGMENT INCLUDING SENTENCE  
UNDER THE SENTENCING REFORM ACT

CASE NUMBER: CR-04-350(FB)

MILTON FLOREZ, ESQ.

40-06 WARREN STREET

ELMHURST, NY 11373

Defendant's Attorney & Address

THE DEFENDANT: Ernesto Morales

XX plead guilty on count ONE OF THE INDICTMENT.

Accordingly, the defendant is ADJUDGED guilty of such count(s), which involve the following offenses:

<u>TITLE &amp; SECTION</u>	<u>NATURE &amp; OFFENSE</u>	<u>COUNT NUMBER(S)</u>
T. 18 U.S.C. 2252(A)(a)(1)	THE DEFENDANT DID KNOWINGLY AND INTENTIONALLY TRANSPORT CHILD PORNOGRAPHY VIA COMPUTER.	1

The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

XX All open counts are dismissed on the motion of the United States.

XX It is ordered that the defendant shall pay to the United States a special assessment of \$ 100.00  
which shall be due immediately :

It is further ORDERED that the defendant shall notify the United States Attorney for this district within 30 days  
of any change of residence or mailing address until all fines, restitution, costs, and special assessments imposed  
by this Judgment are fully paid.

Defendant's Soc. Sec # \_\_\_\_\_

FEBRUARY 23, 2006

Date of Imposition of Sentence

FB

THE HONORABLE FREDERIC BLOCK

February 23, 2003

Date

Defendant's Mailing Address:

31-30 44 STREET, APT 2

ASTORIA, NY 11103

A TRUE COPY ATTEST

Date: 2/28/06

ROBERT C. HEINEMANN  
CLERK OF COURT

By: MIKE J. INNELLI  
MIKE J. INNELLI  
DEPUTY CLERK

Defendant: Ernesto Morales  
Case Number: CR-04-350(FB)

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of SIXTY (60) MONTHS.

XX The Court makes the following recommendations to the Bureau of Prisons:  
THAT THE DEFENDANT BE PLACE IN A FACILITY LOCATED IN THE NORTH EAST REGION AND BE CONSIDERED FOR 500 HOUR DRUG TREATMENT PROGRAM AND ALSO FOR SEX OFFENDER PROGRAM IN BUTNER, NORTH CAROLINA.

— The defendant is remanded to the custody of the United States Marshal.  
— The defendant shall surrender to the United States Marshal for this district,  
— at       a.m./p.m. on       .  
— as notified by the Marshal.

XX The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons  
  
XX before 2:00 p.m. on 4/7/06.  
XX as notified by the United States Marshal.  
— as notified by the Probation Office.

RETURN

I have executed this Judgment as follows:

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The defendant was delivered on        to        at  
      , with a certified copy of this Judgment.

United States Marshal

By

Defendant: Ernesto Morales  
Case Number: CR-04-350(FB)

## SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of **FIVE (5) YEARS WITH THE FOLLOWING SPECIAL CONDITIONS:**

**(1) THE DEFENDANT SHALL PARTICIPATE IN A MENTAL HEALTH TREATMENT PROGRAM AS DIRECTED BY THE PROBATION DEPARTMENT WHICH MAY INCLUDED TREATMENT FOR SEXUAL DISORDERS, WITH TREATMENT PROVIDER SELECTED BY THE PROBATION DEPARTMENT. THE DEFENDANT SHALL NOT CONTRIBUTE TO THE COSTS OF THE SERVICES RENDERED. THE DEFENDANT SHALL ALSO PARTICIPATE IN A POLYGRAPH EXAMINATION(S) TO OBTAIN INFORMATION NECESSARY FOR RISK MANAGEMENT AND CORRECTIONAL TREATMENT, AS APPROVED BY THE PROBATION DEPARTMENT;**

**(2) THE DEFENDANT SHALL NOT USE A COMPUTER TO ACCESS PORNOGRAPHIC WEB-SITES OR COMMUNICATE WITH ANY INDIVIDUAL OR GROUP WHO PROMOTES SEXUAL ABUSE OF CHILDREN. THE DEFENDANT SHALL COOPERATION WITH THE PROBATION DEPARTMENT 'S MONITORING OF COMPLIANCE WITH THIS CONDITION. THE COOPERATION SHALL INCLUDED, BUT NOT LIMITED TO IDENTIFYING THE COMPUTER HE HAS ACCESS TO, ALLOWING THE INSTALLATION OF THE MONITORING SOFTWARE, AND PERMITTING RANDOM INSPECTIONS OF HIS COMPUTER HARD DRIVES AND RELATED COMPUTER PERIPHERALS, SUCH AS DISKS OR CD'S. THE DEFENDANT SHALL CONTRIBUTE TO THE COSTS OF THE MONITORING DEVICES;**

**(3) THE DEFENDANT SHALL SUBMIT HIS PERSON, RESIDENCE, PLACE OF BUSINESS, VEHICLE, OR ANY OTHER PREMISES UNDER HIS CONTROL TO A SEARCH ON THE BASIS THAT THE PROBATION OFFICER HAS REASONABLE BELIEF THAT CONTRABAND OR EVIDENCE OF A VIOLATION OF THE CONDITION OF THE RELEASE MAY BE FOUND; THE SEARCH MUST ALSO BE CONDUCTED IN A REASONABLE MANNER AND AT A REASONABLE TIME; FAILURE TO SUBMIT TO A SEARCH MAY BE GROUNDS FOR REVOCATION; THE DEFENDANT SHALL INFORM ANY OTHER RESIDENTS THAT THE PREMISES MAY BE SUBJECT TO SEARCH PURSUANT TO THIS CONDITION.;**

**(4) THE DEFENDANT SHALL NOT ASSOCIATE WITH ANY CHILDREN UNDER THE AGE 18, UNLESS A RESPONSIBLE ADULT IS PRESENT AND HE HAS PRIOR APPROVAL FROM THE PROBATION DEPARTMENT. NO ASSOCIATION MEANS NO ASSOCIATION IN ANY FORM, DIRECT OR INDIRECT, PERSONALLY, BY TELEPHONE, LETTER, INTERNET, OR THROUGH A THIRD PERSON, EXCLUDING IMMEDIATE FAMILY MEMBERS.**

**(5) THE DEFENDANT SHALL NOTIFY THE PROBATION DEPARTMENT WHEN HE ESTABLISHES A SIGNIFICANT ROMANTIC RELATIONSHIP AND THEN SHALL INFORM THE OTHER PARTY OF HIS PRIOR CRIMINAL HISTORY CONCERNING SEXUAL ABUSE. THE DEFENDANT UNDERSTANDS THAT HE MUST NOTIFY THE PROBATION DEPARTMENT OF THAT SIGNIFICANT OTHERS ADDRESS, AGE, AND WHERE THE INDIVIDUAL MAY BE CONTACTED;**

(6) THE DEFENDANT SHALL PARTICIPATE IN A DRUG TREATMENT PROGRAM AS DIRECTED BY THE PROBATION DEPARTMENT ; TREATMENT MAY INCLUDED OUTPATIENT OR RESIDENTIAL TREATMENT AS DETERMINED BY THE PROBATION DEPARTMENT. THE DEFENDANT SHALL CONTRIBUTE TO THE COST OF THE SERVICES RENDERED VIA CO-PAYMENT OR FULL PAYMENT IN AN AMOUNT TO BE DETERMINED BY THE PROBATION DEPARTMENT, BASED UPON THE DEFENDANT'S ABILITY TO PAY AND/ OR THE AVAILABILITY OF THIRD PARTY PAYMENT.. THE DEFENDANT SHALL ABSTAIN FROM ALL ILLEGAL SUBSTANCES AND OR ALCOHOL, AND

(7) THE DEFENDANT SHALL COMPLY WITH THE FORFEITURE ORDERED IN THIS JUDGMENT.

**Defendant: Ernesto Morales  
Case Number: CR-04-350(FB)**

**FORFEITURE**

**THE DEFENDANT SHALL FORFEIT ANY PERSONAL PROPERTY USED TO COMMIT THE OFFENSE, INCLUDING, BUT NOT LIMITED TO, CRC PENTIUM COMPUTER SERIAL #20011 AND EIGHTEEN (18) 3.5 INCH FLOPPY DISKS PURSUANT TO THE PLEA AGREEMENT.**

**Defendant: Ernesto Morales  
Case Number: CR-04-350(FB)**

### **STANDARD CONDITIONS OF SUPERVISION**

**While the defendant is on probation or supervised release pursuant to this Judgment:**

- 1) The defendant shall not commit another Federal, state or local crime;**
- 2) the defendant shall not leave the judicial district without the permission of the court or probation officer;**
- 3) the defendant shall report to the probation officer as directed by the court or probation officer and shall submit a truthful and complete written report within the first five days of each month;**
- 4) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;**
- 5) the defendant shall support his or her dependents and meet other family responsibilities;**
- 6) the defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons;**
- 7) the defendant shall notify the probation officer within seventy-two hours of any change in residence or employment;**
- 8) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by a physician;**
- 9) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;**
- 10) the defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer;**
- 11) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view by the probation officer;**
- 12) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;**
- 13) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court;**
- 14) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.**

**These conditions are in addition to any other conditions imposed by this Judgment.**